IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

MFA.No. 603 of 2000(A)

OPMV.354/1993 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI
.....

APPELLANT/PETITIONER:

MANJERIKKATTIL ABDUL MAJEED,
S/O.KUNHIMOYIN, MANDERIKKATTIL HOUSE,
KUTHUKAL ROAD, MANJERI.

BY ADV. SRI.O.V.MANIPRASAD
SRI.M.P.PRABHANANDAN

RESPONDENTS/RESPONDENTS:

1.NEELIYATHU MAMMI,S/O.ALI,
NEELIYATHU HOUSE, PONMUNDUAM,
POST VYALATHUR, MALAPPURAM DISTRICT (DRIVER).

2.K.P.HAMZA,S/O.ABDU,
KARINGAPARMBIL HOUSE, POOKAYIL BAZAAR,
TIRUR (OWNER), (DIED).

3.ORIENTAL INSURANCE COMPANY LTD.,
THIRUVANANTHAPURAM.

4.K.P.ABDU,S/O.HAMZA, KARIMPANAPARAMBIL
HOUSE, TIRUR.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA) FOR R3

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.603 OF 2000 ()

Dated this the 26th day of June, 2007

J U D G M E N T

KOSHY,J.

This appeal is filed against the common award in O.P.(MV).Nos.111/1993 and 354/1993. In the connected case covered by the common award we have remanded the matter by judgment in M.F.A.No.675/2000 after making certain observations. That case was filed by the same appellant claiming compensation for personal injuries. Tribunal dismissed the case on the ground that appellant herein was responsible for the accident. We have held that drivers of both vehicles involved were negligent. Therefore appellant driver of the jeep can claim 50% of compensation from the Insurance company which insured the lorry. The appellant claims for damages to his jeep. For the same reason and with same observations, this appeal is also remanded. Appellant will be entitled to 50% of the compensation assessed from the

Insurance company (R3) which insured the lorry. Tribunal has to calculate the compensation. For this purpose both sides are free to adduce evidence. Parties may appear before the Tribunal on 30.7.2007.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO.603 OF 2000 ()

J U D G M E N T

26th June, 2007